

EXHIBIT “34”

Kathy Holtzman

From: Constance Murray
Sent: Wednesday, October 25, 2006 11:25 AM
To: Kathy Holtzman
Subject: Year End Feedback
Importance: High

Kathy,

Here is my feedback for Faith, Debbie, and Diane:

Faith Balsama

Although I have limited interaction with Faith she is always willing to help when I have a problem. She was very helpful in scheduling the CCS/Step 3 IRC meeting this year. Faith is experienced enough to know when an issue is urgent and needs your immediate attention. She always knows your availability and the best way to reach you. She has assisted me in planning interdepartmental meetings and she has collaborated with me to arrange for committee dinners. My one suggestion for improvement would be for her to demonstrate a little more patience in her interactions.

Debbie Shelmire

I have nothing but good things to say about Debbie this year. She has been proactive in alerting CCS staff to situations that have the potential to become problems. She has kept the team on track with timelines by sending reminders and asking appropriate questions at the right times. Debbie is the primary contact for CCS committee members and many of them have commented on her professionalism and helpfulness when they call. Debbie should be commended for her performance this year.

Diane Rosetsky

This year I have worked with Diane to develop a Prometric problem database. We have had a few meetings and she has some ideas for a prototype. She has shown me examples of other projects she has completed and I think Diane is an untapped resource. The slide database she showed me looks as good, if not better, than anything ADS has developed for CCS. Although we have not completed work on a beta version of the problem database because of other higher priority projects, Diane has kept me informed of her progress along the way. Diane has shown great initiative in learning about NBME applications and TD processes. My only suggestion for improvement would be for her to be more assertive in moving the project forward.

NBME 002657

Kathy Holtzman

From: June Choe
Sent: Wednesday, October 25, 2006 9:44 AM
To: Kathy Holtzman
Subject: RE: performance assessments

Debbie: I'm unfamiliar with Debbie's technical ability. Most of what she has done for me includes scheduling meetings and reserving rooms. Any time she has worked with me, she has professional. Her attitude is good – she never gets enthusiastic about anything, but she's always pleasant and courteous.

Diane: Her technical skills seem to be pretty good. She was helpful with anything related to MS Project. I'd rate her professionalism as good/fair, only because she's kind of pushy and not always polished in the way she speaks to people. Her attitude is good though because she's very nice and tries really hard.

Faith: I have no idea about Faith's technical skills and ability because she's never worked on anything for me that required those skills. Her professionalism is a bit lacking – she's a little rude with her responses to others, she's very chatty in the office (which is inconsiderate to those around her), and she seems to push work off onto others. Her attitude is fair/poor – she doesn't seem to like having to work.

From: Kathy Holtzman
Sent: Thursday, October 19, 2006 11:22 PM
To: Krista Allbee; Peg Johnson; Kristine DeRuchie; Kathy Angelucci; Susan Jacovino; Jean D'Angelo; June Choe
Subject: performance assessments
Importance: High

All of you have worked with Debbie, Faith, and Diane over the past year. I would very much appreciate it if you would provide me with feedback regarding the following:

technical skills and ability

professionalism

attitude

I would like to receive feedback for each of the staff by Tuesday. Please indicate if you don't have enough interaction to comment. Thank you.

002658

2/8/2007

Kathy Holtzman

From: Susan Jacovino
Sent: Tuesday, October 24, 2006 12:34 PM
To: Kathy Holtzman
Subject: RE: performance assessments

Kathy,

I have had limited work interaction with Debbie and Diane; and moderate interaction with Faith.

Work with *Debbie* has involved primarily the Quarterly Reports. I have also had some contact with respect to scheduling. I can't comment on Debbie's technical skills. They have been up to what was required for the tasks noted above. I find Debbie always to be professional and to be helpful regardless of the request.

I have worked directly with *Diane* only on the database for the ASH Item-Writing Workshop. Diane appears to have a very good understanding of the system underlying this registration tool. She was creative and proactive in putting the system together. She saw problems and fixed them independently and was very willing to make requested changes.

Work with *Faith* has involved preparation of materials for several Item-Writing Workshops and minimal travel arrangements. She seems to have good technical skills. In particular, she has been very helpful in working out formatting problems with Power Point. I would like to see her take more ownership of what she works on, both the good and the bad. She clearly has a lot to do and needs to juggle multiple tasks, but, it might be more productive if she would take responsibility, as appropriate, for problems and not just present them as someone else's fault or responsibility entirely.

From: Kathy Holtzman
Sent: Thursday, October 19, 2006 11:22 PM
To: Krista Allbee; Peg Johnson; Kristine DeRuchie; Kathy Angelucci; Susan Jacovino; Jean D'Angelo; June Choe
Subject: performance assessments
Importance: High

All of you have worked with Debbie, Faith, and Diane over the past year. I would very much appreciate it if you would provide me with feedback regarding the following:

technical skills and ability

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attitude

I would like to receive feedback for each of the staff by Tuesday. Please indicate if you don't have enough interaction to comment. Thank you.

NBME 002659

2/8/2007

Kathy Holtzman

From: Jean D'Angelo
Sent: Tuesday, October 24, 2006 2:51 PM
To: Kathy Holtzman
Subject: Feedback on Faith and Diane

Right now, Faith schedules all of my conference calls, meetings, and travel. She also called ABOS authors to update their information. Faith does an excellent job at all of her tasks but seems stressed when she's asked to do something. Often times I just do things myself rather than asking her.

Diane has been very helpful in getting things together for the various IWWs and harvesting projects. I also think she does a good job but is often fixated on the task at hand and doesn't necessarily understand that we have a lot of things going on and can't necessarily get to her project right away.

NBME 002660

2/8/2007

Kathy Holtzman

From: Kristine DeRuchie
Sent: Tuesday, October 24, 2006 5:00 PM
To: Kathy Holtzman
Subject: RE: performance assessments

Debbie and Faith have displayed a professional and positive attitude with me all year. I have worked well with both of them.

Faith has been helpful in figuring out "missing" BER issues and she kept me updated on the IRC polling regularly.

Deb responds to my queries on documents and fixes them without question. She provides step 3 material to me when asked and in a timely manner. She is cordial on the phone to our committee members.

I haven't really worked with Diane much. She seems to need more instruction though when given a document to create or update.

From: Kathy Holtzman
Sent: Thursday, October 19, 2006 11:22 PM
To: Krista Allbee; Peg Johnson; Kristine DeRuchie; Kathy Angelucci; Susan Jacovino; Jean D'Angelo; June Choe
Subject: performance assessments
Importance: High

All of you have worked with Debbie, Faith, and Diane over the past year. I would very much appreciate it if you would provide me with feedback regarding the following:

technical skills and ability

professionalism

attitude

I would like to receive feedback for each of the staff by Tuesday. Please indicate if you don't have enough interaction to comment. Thank you.

002661

2/8/2007

Kathy Holtzman

From: Krista Allbee
Sent: Friday, October 20, 2006 10:31 AM
To: Kathy Holtzman
Subject: RE: performance assessments

Diane – although she may have great technical skills, she lacks professionalism and alienates others with her attitude.

Faith – I'm not sure what her technical skills and abilities are, but she tends to complain when asked to help other managers.

Debbie – so far, my interactions with Debbie have been good. Although she probably is the lowest-level user in terms of technical skills, she has never complained when asked to help with projects and has usually done things right the first time. She also does not hesitate to e-mail me with questions if she needs further direction.

From: Kathy Holtzman
Sent: Thursday, October 19, 2006 11:22 PM
To: Krista Allbee; Peg Johnson; Kristine DeRuchie; Kathy Angelucci; Susan Jacovino; Jean D'Angelo; June Choe
Subject: performance assessments
Importance: High

All of you have worked with Debbie, Faith, and Diane over the past year. I would very much appreciate it if you would provide me with feedback regarding the following:

technical skills and ability

professionalism

attitude

I would like to receive feedback for each of the staff by Tuesday. Please indicate if you don't have enough interaction to comment. Thank you.

002662

2/8/2007

EXHIBIT “35”

Home**Search****Up to NBME Enterprise Portal****Units: Human Resources****2006 Year-End Performance Review****HR Section****Diane Rosetsky's Full Plan**

Title	Supervisor
Unit	

Performance Goals
☐ Mid-Year Goal ☐ Original Goal ☐ Not Currently a Goal
Goal 1 (Recurrent)

Assure that Client Programs have accurate MS Project plans, and that they are functioning properly 99% of the time; generate timely and accurately weekly MS Project reports to my supervisor, to achieve maximum Test Development operating efficiency.

Mid-Year Status
None

Mid-Year Employee Comments
None

Mid-Year Manager Comments
None

Year-End Status
Not a Goal Right Now

Year-End Employee Comments
This has been put on hold.

Year-End Manager Comments
This goal was put on hold until Tech Services and TD management could work out a process that would make MS Project a useable tool. A modified goal will most likely be activated by the end of the year.

Goal 2 (Stretch)

Complete Item Writing Workshop database to catalog exam questions used for training physicians; keep database current and functioning to generate IWW handouts for supervisors.

Mid-Year Status
None

Mid-Year Employee Comments
None

Mid-Year Manager Comments
None

Year-End Status
90% Complete

Year-End Employee Comments
Due to belated feedback- the database will need some redirection.

000160

Year-End Manager Comments

Diane has worked hard throughout the year on this slide catalogue and based on what I have seen and others have reported she has made good progress. Diane presented her database to TD management on November 13 and received constructive feedback and direction for completing the project. In the future, I would have like to see Diane take more responsibility for getting the feedback she needs at key development points by proactively setting up meetings to review her work and discuss next steps rather than sending me a link to the database. to review on my own with no information about what has been done or how to use the DB.

Development Goals
☐ Mid-Year Goal ☐ Original Goal ☐ Not Currently a Goal

Goal 1 (Skill Building)	Resources
Create an efficient method of assisting and monitoring Managing Editors editors use of the MS Project management system	Managing Editors, my supervisor, Tech Services.
Mid-Year Employee Comments None	
Mid-Year Manager Comments None	
Year-End Status Not a Goal Right Now	
Year-End Employee Comments MS Project usage is on hold.	
Year-End Manager Comments This goal will likely be re-established by the end of the year or replaced.	

Values Behaviors
☐ Mid-Year Behavior ☐ Original Behavior

Behavior 1	Value Type
Follow necessary protocols for acquiring information from Technical Services.	Communication - Positive
Mid-Year Employee Comments None	
Mid-Year Manager Comments None	
Year-End Employee Comments I think protocols have been followed by me and have improved TS communication.	
Year-End Manager Comments Diane has had difficulty with positive communication throughout the year particularly when working in a team environment. During the first half of the year, she had difficulty communicating positively with Tech Services staff about her knowledge of MS Project and sent several e-mails to the head of the unit about their lack of knowledge of how MS Project worked which created tension between the units. I was concerned by her unprofessional behavior at this time but hoped it was a one-time occurrence rather than representing a pattern of behavior. Recently, Diane has had difficulty with self-control and has been disrupting the work of others to vent her frustration and unhappiness about work assignments, TD management, or perceived injustices. Diane needs to work on communicating positively and gaining the respect of others by showing that she is a team member who is	

NBME 000161

willing to do the necessary work to move a project forward--not just work that she believes to be appropriate to her educational level.

Career Interest

☐ Mid-Year Career Interest ☐ Original Career Interest

Skills	Action Plan/Resources
Becoming more involved in the actual Test Development process.	Supervisor
Mid-Year Employee Comments None	
Mid-Year Manager Comments None	
Year-End Employee Comments This has not really happened at all.	
Year-End Manager Comments None	

Overall Comments

Employee Comments	Manager Comments
Mid-Year Comments: None	Mid-Year Comments Diane has made a lot of progress in developing databases for use in the TD unit. She has excellent technical skills, and I appreciate that she is willing to share her knowledge with others. Recently, she spent a great deal of her time working with junior CP staff to help them learn how to use the MS Project software. I would like to see Diane expand her organizational knowledge and deal with her frustration when projects don't go as planned. I enjoy Diane's sense of humor as well as her commitment to excellence.
Year-End Comments I have been disappointed at my lack of inclusion in any Test Development activities. Essentially, I created work for myself by building MS Access databases- although this was not a requirement of my job. I also feel that my educational background, practical experience and technical skills have been overlooked by this department- as I have only been given clerical work to do. I feel that I have followed all of the NBME's values and procedures, arrived in a timely manner, been courteous to my co-workers, and completed successfully any tasks that were given to me- and consistently went beyond what was expected of me to produce quality work and innovations for this organization.	Year-End Comments Diane has primarily worked on creating several databases for use by TD management; a secondary role for Diane is to be a back-up for Faith Balsama and Debbie Shelmire and provide support broadly for TD management. Over the course of the year, she successfully produced a database for collecting names of potential item writers (Item Harvesting project) at the conclusion of Item Writing Workshops (IWWs) held at remote locations. I enjoyed working with Diane on this project to define the requirements and provide feedback to make it ready for operational use. The tool has been used successfully at three workshops held away from the NBME. In addition, Diane has worked on cataloguing power point slides that have been used at Item Writing Workshops conducted by staff in the TD unit over the past 5 years; she recently began working on a database that can be used to track issues related to problems related to Prometric-based exams. I do have some concerns about the amount of time Diane spends on developing database applications for use by others. It often appears that she is more interested in spending her time solving the technical challenges posed by the project without considering whether the application will be used broadly enough to justify the time she is investing. The most technically interesting aspects of projects are not necessarily the ones that are the most important. Diane needs to learn to work with her supervisor on her projects to make sure that the effort required to implement the application in a particular way is consistent with the eventual benefit to Test Development and NBME.

Page 162

Sometimes, development of a simple Excel-based application will suffice, with development of more sophisticated database applications left to the programming staff in ADS and TS.

While the quality of the end-product of her work is satisfactory, Diane continues to have difficulty in communicating positively, especially when she works within a team. Recently this became an issue when Diane became confrontational and unprofessional in regard to dealing with her frustration about working on the new Customized Assessment program in a support role. It was my hope that Diane would view the opportunity to work with experienced staff on our newest product line as one that would provide her with a learning opportunity. Instead, she appeared offended when her supervisor re-edited her work, and she was asked work in a support role (eg, cutting and pasting changes). She did not refocus on the project and channel her energy into helping the team move forward and produce the product in a very tight timeframe. Her communication has become more and more negative over the past few weeks, and despite constant reminders, she has continued to vent her frustrations and complaints to others inside and outside the unit. This behavior is disruptive and has created an uncomfortable and nonproductive work environment. I have let Diane know that she should feel comfortable to discuss her concerns with Human Resources at any time.

Diane's rating of Satisfactory is based on the quality of her work over the year as a whole rather than on her most recent performance which has been less than satisfactory. If she continues to object to performing the duties within her job description and to disrupt the work environment with persistent unprofessional behavior, she will be subject to disciplinary action up to and including termination. It is my hope that Diane will be able to accept appropriate supervision so that she can hear what others have to say and learn from those who have more experience at the NBME. I believe this will help her to gain the respect of others and be viewed as a team player who is willing to work hard to get the job done.

Year-End Rating

Satisfactory

NBME 000163

EXHIBIT “36”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DIANE ROSETSKY,
Plaintiff

vs.

**NATIONAL BOARD OF MEDICAL
EXAMINERS OF THE UNITED STATES
OF AMERICA, INC.,
Defendant**

: CIVIL ACTION

: No: 07-3167

: Affidavit of Barbara Davidson

Now comes the affiant, Barbara Davidson, a citizen of the United States and the Commonwealth of Pennsylvania over the age of 21 years, and declares as follows, under penalty of perjury:

1. My name is Barbara Davidson. I am fifty-nine (59) years old. I am Director of Human Resources for the National Board of Medical Examiners ("NBME").

2. On October 5, 2007, counsel for NBME received records from the University of Pennsylvania, which included a letter of termination, written by plaintiff's supervisor at Penn, which terminated plaintiff's employment with the medical school on September 22, 2004, less than four (4) months after she had begun.

3. When plaintiff applied to NBME, in her attached Application, plaintiff stated "Position Eliminated" as to the reason she had left her employ with the medical school. Exhibit "A" attached.

4. NBME's Application makes clear that dishonesty on one's application is a basis for termination of one's employment. See Exhibit "A".

5. In addition, the records from the University of Pennsylvania contain a resume prepared by plaintiff, which is inconsistent with the one she submitted to NBME in many ways. For example, it contains a differing work history, and job titles for her prior employment and educational achievements. Two (2) resumes attached as Exhibit "B".

6. Had NBME known of plaintiff's termination, coupled with her dishonesty in the application process, NBME would not have hired plaintiff or, alternatively, would have terminated plaintiff upon learning of same.

7. I also enclose here a chart with the members of the Test Development Unit, listed by their positions, who were evaluated by Ms. Holtzman, including their ages and the rating each employee received in their 2006 year-end Performance Evaluation. Of the seven (7) employees supervised and evaluated by Ms. Holtzman, five (5) employees were over the age of forty (40).

Three (3) employees received a rating of "outstanding", two (2) employees received "very good" ratings, and plaintiff received a "satisfactory" rating. Plaintiff's evaluation entitled her, had her employment not been terminated, to a minimum increase of two percent (2%) in 2007. See Exhibit "C".

8. NBME also provides the following information as to employee terminations. Plaintiff was the first and only Test Development Program Assistant. Therefore, no one in that position other than plaintiff has been terminated. As to other employees terminated since 2004, NBME has terminated only plaintiff for unprofessional conduct and for insubordination. No one other than plaintiff has been terminated for the reasons that plaintiff was, e.g., escalating unprofessional conduct and her outright refusal to take instruction from her supervisor or perform her job responsibilities.

AFFIRMATION

9. I hereby affirm that I have read this Affidavit and that I believe the foregoing statements in this Affidavit to be true. I hereby further affirm that the basis of these beliefs is my own personal knowledge.


BARBARA DAVIDSON

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF Philadelphia SS.

On this 26th day of November, 2007, personally came before me the above-named Affiant, who proved her identity to me to my satisfaction, and she acknowledged her signature on this Affidavit in my presence and stated that she did so with full understanding that she was subject to the penalties of perjury.

SWORN TO AND SUBSCRIBED:
BEFORE ME THIS 26th DAY:
OF November, 2007.


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Patricia Weaver, Notary Public

City Of Philadelphia, Philadelphia County

My Commission Expires Nov. 16, 2009

Member, Pennsylvania Association of Notaries

EXHIBIT “A”



NATIONAL BOARD OF MEDICAL EXAMINERS®

3750 Market Street, Philadelphia, Pennsylvania 19104

EMPLOYMENT APPLICATION
AN EQUAL OPPORTUNITY EMPLOYER

(PLEASE PRINT)

PERSONAL	Name <u>Diane Rosetsky</u> Today's Date <u>9/16/05</u>
	Address <u>931 THRUSH LN. HUNTINGDON Valley PA 19006</u>
	Street City State Zip
	Email Address <u>Diane1120@comcast.net</u> Social Security No. <u>198-44-2741</u>
	Home Phone No. <u>215-947-6571</u> Cell Phone No. <u>215-287-1609</u> Work Phone No. _____
	Position applied for: <u>Test Assoc.</u>
	Are you legally authorized to work in the United States of America? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
	Will you now or in the future require sponsorship for employment visa status (e.g. H-1B visa status)? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
	If you are under 18 years of age, can you provide required proof of your eligibility to work? <input type="checkbox"/> yes <input type="checkbox"/> no
	Have you ever filed an application with NBME before? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Have you ever worked for NBME before? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
If yes, please give dates of employment and positions held: _____	
Have you ever been convicted of a crime or violation other than a minor traffic infraction? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
If yes, please explain: (Please note that a conviction is not an automatic bar to employment. All circumstances will be considered.) _____	
Are you able to perform the essential requirements of the job? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
If no, are there reasonable accommodations that can be made to allow you to perform the essential functions of the job? (If you have any question as to what functions are applicable to the position for which you are applying, please ask the interviewer before you answer this question) _____	
POSITION	Describe in detail the kind of work you want to do <u>writing, editing or proof reading of testing materials, or technical documentation necessary for quality testing.</u>
	Referred by: _____ If advertisement or agency, please give source. If a NBME employee referred you, please give employee's name.
	What are your salary requirements? <u>\$50-60,000</u>
	Date available: <u>Immediately</u>
	Do you have any relatives or friends who work for NBME? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
	If yes, who? _____
	Do you have any relatives in medical schools and/or residency programs? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no
If yes, who and their relationship to you? _____	

EMPLOYMENT HISTORY

Give your full employment record. Start with your current or most recent employment. Information must be printed on application even if attaching a resume. Account for the last 10 years. (If additional space is required, request additional sheet.)

Company		Address		Telephone
UNIVERSITY of PA, SOM		36 th + HAMILTON Walk		215-898-0132
From	To	Job Title	Last Supervisor	
6/04	10/04	Staff Assist. C	Liz Bien	
Starting Salary	Final Salary	Reason for Leaving	May we contact this employer? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
\$45,000 +	\$45,000 +	Position eliminated		

Describe in general the work performed Expedition of multidisciplinary grants for biomedical research. Built & designed database to generate tables for NIH grants.

Company		Address		Telephone
Jeanes / Fox Chase CC		Central Ave, Phila.		
From	To	Job Title	Last Supervisor	
1986	1987	Manager	Sharon Blair	
Starting Salary	Final Salary	Reason for Leaving	May we contact this employer? <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	
?		Returned to School		

Describe in general the work performed Managed pathology transcript service in a clinical setting.

Company		Address		Telephone
The Wistar Institute		36 th + Spruce		
From	To	Job Title	Last Supervisor	
1979	1985	Assist Man / Exec Assist	Dr. Cheston	
Starting Salary	Final Salary	Reason for Leaving	May we contact this employer? <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	
?		Moved		

Describe in general the work performed Held various positions -
- Assistant Manager of Grants/Editorial Office
- Executive Assistant to Associate Director

EMPLOYMENT HISTORY (CON'T)	Company		Address		Telephone
	COZEN O'CONNOR		19th + Market		615-4783
	From	To	Job Title	Last Supervisor	
	4/05	8/05	Temp	Sylvia Kaufmann	
	Starting Salary	Final Salary	Reason for Leaving	May we contact this employer? <input type="checkbox"/> yes <input type="checkbox"/> no	
	Hourly		Temp		
Describe in general the work performed <u>Database management -</u> <u>Conflict Searches.</u>					
EDUCATION	Name and Location		No. of Yrs. Attended	Degree/Diploma	
	High school	Washington-Phila		Diploma	
	College	Penn	4 4	BA	Major Subject English Minor Subject
	Graduate School	Arcadia	3	M.Ed.	Thesis Title Education
	Technical, Business or Other	MANOR College	2	Certificate	Faculty Advisor Paralegal

LIST THREE PROFESSIONAL REFERENCES - PERSONS FAMILIAR WITH YOUR WORK.

Name Michael Ruggiero Telephone 215-277-1100
 Address The Uster Institute Telephone 898-3741
 Position Controller Company _____ Yrs. Known 20

Name Elizabeth Breen
 Address Penn - 36th + Hamilton Walk Telephone 215-898-0132
 Position Director Company Penn Fam Yrs. Known ~ 6 mos

Name Sylvia Kaufmann Telephone 4783
 Address 19th + Market Telephone 215-665-6543
 Position Manager Company Cozen O'Connor Yrs. Known 5

List your publications or attach list _____

NOTIFICATION AND AGREEMENT
PLEASE READ BEFORE SIGNING

I CERTIFY THAT ALL ANSWERS GIVEN BY ME ARE TRUE, ACCURATE AND COMPLETE. I UNDERSTAND THAT THE FALSIFICATION, MISREPRESENTATION OR OMISSION OF FACT ON THIS APPLICATION (OR ANY OTHER ACCOMPANYING OR REQUIRED DOCUMENTS) WILL BE CAUSE FOR DENIAL OF EMPLOYMENT OR IMMEDIATE TERMINATION OF EMPLOYMENT, REGARDLESS OF WHEN OR HOW DISCOVERED.

It is the policy of the company to afford equal opportunity to all employees and applicants for employment without regard to age, race, religion, color, sex, national origin, marital status, expunged juvenile records, or pregnancy, and to afford equal opportunities to disabled veterans, veterans of the Vietnam era, and individuals with a disability, any and other characteristic protected by Federal, State or Local law.

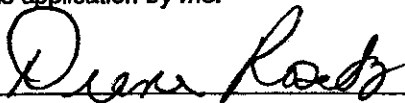
I authorize the investigation of all statements and information contained in this application. I release from all liability anyone supplying such information and I also release the employer from all liability that might result from making an investigation.

If hired, I agree to abide by all of the company rules and regulation, and understand that, if employed, my employment relationship is "at will" and may be terminated with or without cause, and with or without notice, at any time, at the option of either the company or me, I further understand that no representation, whether oral or written by any representative or agent of the Company, at any time, can constitute a contract of employment.

I understand that the Company and all Plan Administrators shall have the maximum discretion permitted by law to administer, interpret, modify, discontinue, enhance or otherwise change all policies, procedures, benefits or other terms or conditions of employment. No representative or agent of the company, has the authority to enter into any agreement for employment for any specified period of time or to make any change in any policy, procedure, benefit or other term or condition of employment other than in a document signed by the President, or to make any agreement contrary to the foregoing.

I acknowledge that I have read and understand the above statements and hereby grant permission to confirm the information supplied on this application by me.

SIGNATURE



DATE

9/6/05

EXHIBIT “B”

Tues
4:20 E 10²⁰
SK ant C

1984-11-211
11/11

Diane Rosetsky
931 Thrush Lane
Huntingdon Valley, PA 19006
Telephone: 215-947-6571
Fax: 215-947-5055
E-mail: Diane1120@comcast.net

OBJECTIVE: Seeking entry level position as a paralegal or litigation support specialist.

EDUCATION:

Paralegal Certification - 2003

Completed two year ABA-accredited program at Manor College, Jenkintown, PA

M.Ed. Elementary Education - 1994

Arcadia University (Beaver College)- Glenside, PA

B.A. English - 1984

University of Pennsylvania, Philadelphia, PA

Additional Coursework: (Penn State- Abington) - HTML, Programming in C++

EMPLOYMENT:

1999-Present Checks 54th Inc. Philadelphia, PA

Office Manager—Duties included filing of legal forms and civil complaints, background investigations, responsible for all correspondence and compliance concerning governmental regulations and requirements.

1987-1989 Fox Chase Cancer Center/Jeanes Hospital Philadelphia, PA

Manager—Pathology Transcription Services- Supervision of four medical transcriptionists providing reports for Pathology Lab and Pathologists.

1976- 1987 The Wistar Institute of Anatomy and Biology (A biomedical research facility located at the University of Pennsylvania, Philadelphia, PA):

Assistant to Associate Director – Coordination of scientific staff seminars, conferences; administration of patent agreements, liaison to Institute Board of Managers.

Assistant Manager – Grants/Editorial Services – Central support service for staff of 80 biomedical research scientists. Responsibilities included expedition of government research grants and journal manuscripts. Supervision of five wordprocessor operators, a grant coordinator and artist; editing and proofreading, organization of government site visits, provision of funding information and resources for staff.

COMPUTER SKILLS:

Windows 95, 98 and XP; Microsoft Office and Internet, CPT, Adobe Photoshop, MS Access, Excel, Powerpoint, HTML, Westlaw, LexisNexis.

RELATED SKILLS:

RECEIVED
JUN 08 2004
HUMAN RESOURCES
RECORDS OFFICE

DIANE ROSETSKY
931 Thrush Lane
Huntingdon Valley, PA 19006
Telephone: 215-947-6571/ Fax: 215-947-5055
E-mail: Diane1120@comcast.net

EDUCATION:

B.A.-English –University of Pennsylvania-1984, Philadelphia, PA
M.Ed.-Education – Arcadia University (Beaver College)-1994, Glenside, PA
Paralegal Certification- ABA-accredited -Manor College-2004, Jenkintown, PA

COMPUTER SKILLS:

Courses Completed: Penn State- HTML, Programming in C++;
University of Pennsylvania- certification in MS Access I.
Practical Experience: Advanced skills in Windows 95, 98 and XP; MS Office and Internet. Intermediate skills- Macintosh-OSX, SQL, Adobe Photoshop, Powerpoint, Dreamweaver.
Legal applications -LexisNexis, WestLaw, LegalKey, Elite and Docs Open.

RELEVANT EMPLOYMENT:

University of Pennsylvania- School of Medicine, Philadelphia, PA -Staff Assistant C in Research Program Development. Developed grant database to track training grants, and to generate required data tables for NIH grant submissions, using MS Access. Assisted in the expedition of multidisciplinary grants. (June -October 2004)

Fox Chase Cancer Center/Jeanes Hospital -Philadelphia,PA-Manager –Pathology Transcription Services- Supervision of four medical transcriptionists providing reports for Pathology Lab and Pathologists. Assisted in development of DOS-based patient database. (1985-1987)

The Wistar Institute of Anatomy and Biology, Philadelphia, PA –

Executive Assistant – Worked for the Associate Director. Responsibilities included coordination of scientific staff seminars and conferences; administration of patent agreements, liaison to Institute Board of Managers, Institute reimbursements.

Grants/Editorial Services – Assistant Manager– Central support service for staff of 80 biomedical research scientists. Responsibilities included expedition of government research grants and journal manuscripts. Supervision of five wordprocessor operators, a grant coordinator and artist. Assisted with departmental budget.

Grant Coordinator-Responsible for editing and proofreading, organization of government site visits, and provision of funding source information for scientific staff, assist with visa applications, and compilation of biographical sketch information(1979-1985).

OTHER EMPLOYMENT

Cozen O'Connor – 19th & Market, Philadelphia, PA-Case Management Administration- A central service which manages conflict searches, new matter intakes and database maintenance for international law firm, using LegalKey, Elite and Docs Open applications. Internet investigative searches.(April 2005- present)

LANGUAGES:

Proficient in English; Conversational Spanish

EXHIBIT “C”

Unit	Name	D/O/B	Position	Rating
03900-P/S - T/D - Test Development 1-MCQ Director		2-Mar-1975	Director, Test Development-	Outstanding
03170-P/S - T/D - Test Development 1 - Spec. Proj.		24-Mar-1970	Manager, Derivative Programs & Special Projects-PF113	Very Good
03100-P/S - T/D - Test Development 1		4-Apr-1954	Administrative Support Coordinator-PF003	Outstanding
03100-P/S - T/D - Test Development 1		17-Mar-1947	Senior Associate for Quality Assurance-PF115	Very Good
03140-P/S - T/D - Test Development 1 - CCS1		28-Jun-1956	Manager, CCS-PF089	Outstanding
03100-P/S - T/D - Test Development 1		20-Nov-1957	Program Assistant-NonEx	Satisfactory
03100-P/S - T/D - Test Development 1		17-Aug-1958	Administrative Support Coordinator-PF003	Outstanding

EXHIBIT “37”

From: Diane Rosetsky
Sent: Tuesday, November 21, 2006 2:07 PM
To: Barbara Davidson
Subject: Meeting today

I don't think there is really any reason for me to come to this meeting today- I have received my performance review. There is really nothing to talk about- I am not going to sit and listen to some unethical example of the Peter Principle tell lies about me. Unless you are willing to invite Ron Nungster or someone who might be able to actually do something.

I am just waiting for you to give me the procedures to follow to the next step in the problem with KZH's values.

Diane Rosetsky
Test Development
National Board of Medical Examiners
Phone: 215-590-9643
Fax: 215-590-9441
email: drosetsky@nbme.org

11/21/2006

EXHIBIT “38”

Kathy Holtzman

From: Diane Rosetsky
Sent: Wednesday, November 22, 2006 9:21 AM
To: Kathy Holtzman
Cc: 'diane1120@comcast.net'
Subject: Role Profile

Since I received so much negative feedback about the databases that I built and created, and as in your words, I was not hired to do this, I am not going to complete any further work on them. This will avoid another poor performance rating for me in the future- as you lack the qualifications to evaluate my skills in this area.

However, if you would like me to continue my innovative work, I expect to be compensated for this level of performance. This would require a change to an information technology-type title, at a salary of at least \$60,000. If not, I am sure that Technology Services could build you anything you need.

You really need to re-read my role profile- which is not the one you brought to HR. You have not given me any assignments that match this profile. I have created assignments that are appropriate and innovative for the department on my own- and have been penalized for it.

There is nothing in my role profile about clerical work. If you need to replace me- I don't think you will find someone for my salary.

Printer Friendly Version of </applications/roleprofiles/DisplayTitle.asp>

Role Profile Title: Test Development Program Assistant**Duties**

Duty/Activity	Percentage of Time
Acts as liaison between manager and unit staff/in-house staff and outside customers/vendors, etc. to expedite completion of projects, disseminate information, etc.	10%
Builds/maintains databases, requiring the organizing and preparing of reports and documents that integrate several data sources, technology and software applications	15%
Assists with management and/or monitoring of implementation of new technology, systems, and software within TDS to ensure successful transition and continued utilization.	15%
Tracks/compiles budgets, and other materials. Assists in planning, developing procedures, etc. Leads managers in development of subunit budgets consistent with annual NBME and Unit goals.	10%
Assists with development of processing routines to optimize operational test development activities, provide quality assurance, and/or facilitate decision-making. Manages projects as assigned.	35%
Creates, updates, and/or disseminates documentation for new and existing procedures and routines; includes direct user support and training. Collaborates with other units in the design and/or testing of new technology and software; serves as TDS advocate.	15%

Deliverables

Deliverables	NBME 000214

Annual Test Development accounting cycle report. Monthly summaries for managers.
Quarterly report of Test Development activities.
Documentation is current and available for dissemination via appropriate media.
User needs are adequately identified and targeted action plans are defined or implemented with input from appropriate staff
TDS perspectives and needs are represented effectively in the development of new technologies.
Effective project plans are developed and implemented to optimize resource allocation and utilization.

Factor 1: Innovation

This role requires me to develop ideas that result in the creation of new knowledge, processes, methods, services or products.

Factor 2.1: Knowledge and Skill

(A) Core technical abilities: 1) Advanced knowledge of Microsoft Office: Word, Access, Excel, Powerpoint, Outlook and Project; 2) Must have knowledge of at least one or more of the software applications supporting the following areas: multi-media development, manipulation, and presentation (e.g. Adobe Acrobat, Photoshop, Dreamweaver, Flash); 3) data analysis/warehousing (e.g., SPSS, SAS, HLM, Excel, Oracle Discoverer, SQL). (B) Excellent interpersonal and communication skills. Knowledge of and experience with scholarly research process. Ability to communicate effectively with personnel at all levels within Assessment Programs and other NBME units, and to develop working relationships that facilitate completion of specified activities. Ability to prioritize competing requests. C) Strong attention to detail and problem solving skills. (D) Ability to learn and apply new technology quickly, including the ability to "translate" technical information E) Skilled in basic medical terminology.

Factor 2.2: Education

Master's degree

Factor 2.3: Required Certification/Accreditation (Professional)

Not required

Designations(s):

Why this is required or desirable:

Factor 2.4: Required Certification/Accreditation (Trade/Technical/Transportation)

Not required

Designations(s):

Why this is required or desirable:

Factor 2.5: Minimum experience required for someone to enter your role

Minimum 1 year

Factor 3.1: Information Analysis

(Problem-solving methods needed for role-related decisions)

In analyzing information in this role, it is typically the case that only very general organizational procedures or guidelines are in place. For example, information needs to be interpreted, analyzed, and synthesized in completing the task of creating standard routines that work across programs. When interacting with other units to develop and/or implement new technologies, information gained from other staff and personal experience needs to be synthesized to provide adequate representation of test development unit. Proposal development for research studies requires synthesis of previous research finding and organizational needs.

Factor 3.2: Freedom to Act

(in making role-related decisions)

Depending upon the project or circumstance, the latitude for decision making ranges from very broad (autonomous) to narrow (requiring supervisory or management staff input). All activities, including pursuit of research interests, are guided by broad institutional policies and goals.

Factor 3.3: Impact of Decisions on Customers

There is direct impact on internal customer satisfaction and quality of test development produces if analysis routines, training procedures, or documentation do not meet their expectations. Substandard support may result in difficulties in other departments processing exam related information. Impact on external customers is less direct, but may still have a major impact. If inadequate procedures are in place, the product received by client may be noticeable substandard. In terms of research, proper performance is directly related to

WPE 000215

customer satisfaction (if customers are considered a journal editor or reviewer and satisfaction is indicated by acceptance of the article).

Factor 4: Contacts and Communications

Contacts	Frequency	Purpose	Type
Professional colleagues	Yearly	Discuss recent technology innovations	External
Vendors or Contractors	Daily or weekly during project life cycle	Provide directions/clarifications or trouble shooting	External
Director of Test Development	Daily	Identify training/documentation/support needs, provide status reports, project planning	Internal
Editorial Staff	Daily during times of project implementation	Identify training/documentation/support needs, provide status reports, project planning	Internal
Managing Editors/Managers	Weekly to Monthly	Identify training/documentation/support needs, provide status reports, project planning	Internal
TS Staff	Daily or weekly during project life cycle	Provide status reports, project planning	Internal

Factor 5.1: Responsibility for People and Performance

Factor 5.2: Number of Reports

Direct:

Indirect:

Factor 6.1: Organization Breadth

This role is the only one in this department responsible for this major function or duty.

Factor 6.2: Breadth of Supervisory/Management Responsibility

None

Factor 6.3: Responsibility for Operating Budgets

This role requires the incumbent to develop and manage a specific part of an operating or project budget.

Top of Page

This profile was last modified 12/15/2005 2:37:36 PM by Diane Rosetsky

Diane Rosetsky
Test Development
National Board of Medical Examiners
Phone: 215-590-9643
Fax: 215-590-9441
email: drosetsky@nbme.org

NBME 000216

EXHIBIT “39”

Memo

To: Diane Rosetsky
From: Barbara L. Davidson, PhD
Date: 11/27/06
Re: Final pay & other end of employment issues

Your communications to your supervisor and me over the past few weeks make it clear that you are not interested in performing the duties of Program Assistant as defined by the NBME. The job that you proposed in your email of November 22, 2006, is not available and will not be offered to you. As such, effective Friday December 1, 2006, your employment with the NBME is terminated.

According to policy, on December 14, 2006 you will receive pay for any hours worked during the pay period of November 20 – December 3, 2006. On December 28, 2006 you will receive pay for any unused personal days, any unused vacation days for 2006 less any days taken and you will receive two weeks pay in lieu of notice.

Please keep us updated on any change of address. Your final pay stub (if you have direct deposit), or your final paycheck will be mailed to the address we have on file. Also, your 2006 W-2 which will be mailed in January of 2007 will be sent to this address as well.

On September 27, 2005 you signed the Employee Innovation and Proprietary Information Agreement and are still bound by the terms of this agreement which states that all writings, programs, concepts or other intellectual properties developed by the employee while employed by the NBME are the sole property of the NBME. Such property, as well as any trade secrets or other confidential information acquired by the employee while employed by the NBME, cannot be removed from the NBME premises and cannot be used by the employee, published, or disclosed to third parties. A copy of this agreement is attached.

NBME 001509

EXHIBIT “40”

COMMONWEALTH OF PENNSYLVANIA

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DIANE ROSETSKY,

Plaintiff

vs.

NATIONAL BOARD OF MEDICAL
EXAMINERS OF THE UNITED STATES
OF AMERICA, INC.,

Defendant

CIVIL ACTION

No. 07-3167

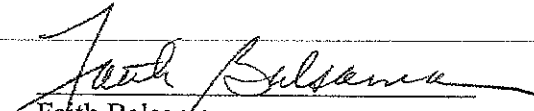
Affidavit of Faith Balsama

Now comes the affiant, Faith Balsama, a citizen of the United States and the Commonwealth of Pennsylvania over the age of 21 years, and declares as follows, under penalty of perjury:

1. I have been employed by NBME since 2001. I am currently fifty-three (53) years old.
2. My current position is Administrative Support Coordinator in Test Development, and my direct supervisor is Kathy Holtzman, who is aged fifty-seven (57).
3. I have learned that plaintiff has alleged in her complaint and testimony that I have been denied a promotion or promotions because I am over the age of forty (40).
4. I do not agree with plaintiff's allegations.
5. I do not believe that NBME has discriminated against me based on my age, and I believe that NBME does not discriminate on the basis of age in awarding promotions.

AFFIRMATION

6. I hereby affirm that I have read this Affidavit and that I believe the foregoing statements in this Affidavit to be true. I hereby further affirm that the basis of these beliefs is my own personal knowledge.


Faith Balsarna

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF Philadelphia : SS.

On this 19th day of November, 2007, personally came before me the above-named Affiant, who proved her identity to me to my satisfaction, and she acknowledged her signature on this Affidavit in my presence and stated that she did so with full understanding that she was subject to the penalties of perjury.

SWORN TO AND SUBSCRIBED:
BEFORE ME THIS 19th DAY:
OF November, 2007.


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Patricia Weaver, Notary Public

City Of Philadelphia, Philadelphia County

My Commission Expires Nov. 16, 2009

Member, Pennsylvania Association of Notaries

COMMONWEALTH OF PENNSYLVANIA

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DIANE ROSETSKY,

Plaintiff

vs.

**NATIONAL BOARD OF MEDICAL
EXAMINERS OF THE UNITED STATES
OF AMERICA, INC.,**

Defendant

CIVIL ACTION

No. 07-3167

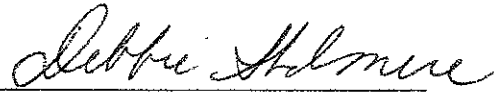
Affidavit of Debbie Shelmire

Now comes the affiant, Debbie Shelmire, a citizen of the United States and the Commonwealth of Pennsylvania over the age of 21 years, and declares as follows, under penalty of perjury:

1. I have been employed by NBME since 1998. I am currently forty-nine (49) years old.
2. My current position is Administrative Support Coordinator for Test Development, and my direct supervisor is Kathy Holtzman, who is aged fifty-seven (57).
3. I have learned that plaintiff has alleged in her complaint and testimony that I have been denied a promotion or promotions because I am over the age of forty (40).
4. I do not agree with plaintiff's allegations.
5. I do not believe that NBME has discriminated against me based on my age, and I believe that NBME does not discriminate on the basis of age in awarding promotions.

AFFIRMATION

6. I hereby affirm that I have read this Affidavit and that I believe the foregoing statements in this Affidavit to be true. I hereby further affirm that the basis of these beliefs is my own personal knowledge.

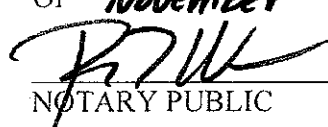

Debbie Shelmire

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF Philadelphia SS.

On this 26th day of November, 2007, personally came before me the above-named Affiant, who proved her identity to me to my satisfaction, and she acknowledged her signature on this Affidavit in my presence and stated that she did so with full understanding that she was subject to the penalties of perjury.

SWORN TO AND SUBSCRIBED:
BEFORE ME THIS 26th DAY:
OF November, 2007.


NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Patricia Weaver, Notary Public
City Of Philadelphia, Philadelphia County
My Commission Expires Nov. 16, 2009
Member, Pennsylvania Association of Notaries

EXHIBIT “41”

Printer Friendly Version of </resources/PolicyGuide/EmployeePolicy/107.asp>

107 Job Posting and Employee Referrals

Effective Date: 6/1/1999

Last Updated: 8/23/2004

NBME provides you with an opportunity to indicate your interest in open positions and advance within the organization according to your skills and experience. In general, notices of all regular, full-time job openings are posted, although NBME reserves its discretionary right to not post a particular opening.

Job openings will be posted on the Intranet and normally remain open for a week before externally recruited applicants are interviewed. Each job posting notice will include the job title, unit, primary duties, and required skills and abilities.

To be eligible to apply for a posted job, you must be performing at least at a satisfactory level in your current position. Employees who are on a performance improvement program are not eligible to apply for posted jobs. Eligible employees can apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

To apply for an open position, you must advise your supervisor and then submit a resume and cover letter to Human Resources. If you are interested in an open position, you should contact Human Resources for information about the opening.

An applicant's supervisor may be contacted to verify performance, skills, and attendance. Any circumstances that might affect transition time may also be discussed.

NBME encourages you to identify friends or acquaintances who are interested in employment opportunities and to refer qualified outside applicants for posted jobs. You should obtain permission from the individual before making a referral, and not make commitments or oral promises of employment.

The referral should submit his/her resume to Human Resources in electronic format (preferred method) to HumanResources@NBME.org, via fax to (215) 590-9799 or via regular mail and should indicate in his/her correspondence that they were referred by you. If the referral is interviewed, the referring employee will be notified of the final selection decision.



Printer Friendly Version of </resources/PolicyGuide/EmployeePolicy/701.asp>

701 Employee Conduct and Work Rules

Issue Date: 6/1/1999

Revised Date: 5/10/2005

To ensure orderly operations and provide the best possible work environment, NBME expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of NBME property
- Falsification of time records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs or illegally obtained drugs in the workplace
- Fighting or threatening violence in the workplace
- Unlawful discrimination, harassment or retaliation or other inappropriate behavior (even if not illegal) covered by our Sexual and Other Unlawful Harassment Policy
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Unauthorized use of computer systems, telephones, mail system, e-mail, or other employer-owned equipment
- Unauthorized disclosure of NBME confidential information
- Unauthorized use of or sharing of passcodes or ID cards

Employment with NBME is at the mutual consent of NBME and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.



Printer Friendly Version of </resources/PolicyGuide/EmployeePolicy/703.asp>

703 Sexual and Other Unlawful Harassment

Issue Date: 6/1/1999

Revised Date: 5/10/2005

General Statement on Harassment Free Workplace

As part of its overall commitment to equality of opportunity, NBME is committed to promoting a work environment where every employee is treated with respect and dignity and to providing a work environment that is free of discrimination and harassment. Actions, words, jokes, or comments based on an individual's age, sex, race, color, religion, national origin, citizenship, disability, sexual orientation, marital status, veteran's status, military status, or membership in any other protected group will not be tolerated. The aim of this policy and the accompanying procedure is to prevent harassment, to provide guidance to resolve any problems should they occur, and to prevent reoccurrence.

703.1 Prohibition of Sexual Harassment

NBME will neither engage in nor tolerate sexual harassment. Sexual harassment does not refer to occasional compliments. It refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which, therefore, interferes with the work effectiveness of its victims and their coworkers.

By way of example only, the following behaviors and/or communications are inappropriate (whether done by a man or a woman), inconsistent with NBME values, and prohibited, regardless of whether they are illegal:

- Requiring sex as a condition of employment or any term or benefit of employment or punishing any person with regard to any term, condition, or benefit of employment because he or she did not submit to sexual advances or making any employment decision based on a person's submission to, or refusal to submit to, sexual advances.
- Sexual or suggestive pictures, photos, cartoons, e-mails, Internet web sites, jokes, slurs, profanity, nicknames, conversations, questions, innuendo (verbal and nonverbal), objects and symbols; frequent and/or inappropriate comments on appearance; repeated requests for dates; excessive and/or inappropriate touching; and other inappropriate behaviors and/or communications of a sexual, suggestive, or biased nature.
- Engaging in unwelcome sexually-oriented or otherwise hostile conduct that has the purpose or effect of interfering unreasonably with another person's work performance or of creating an intimidating, hostile, abusive, or offensive working environment.

The following examples provide further clarification of inappropriate and prohibited behaviors:

- Demands or requests for sex;
- Unwelcome physical contact, such as patting, pinching, shoulder rubbing, or brushing against another person's body;
- Sexual banter, sexually suggestive or biased jokes, and teasing;
- Verbal abuse of a sexual nature or comments about an individual's body, sexuality, or sexual orientation;
- Comments or questions about sexual desires, fantasies, experiences, frustrations, etc;
- Sexually-oriented or degrading gestures, including leers and gawks;
- Obscene, off-color, or otherwise hostile language of a sexual, suggestive, or biased nature;
- Any other behavior of a hostile or abusive nature directed at one sex, even if not sexual in nature; and
- Any other inappropriate behavior of the kind or similar to that referred to elsewhere in this policy.

Social Relationships

Sometimes social relationships may develop at work. While you have a right to say, "Yes," you also have an absolute right to say, "No." Consequently, if you feel any unwelcome pressure to become personally involved with any officer, manager, supervisor, coworker, agent, or nonemployee with whom you do business, we urge you to use the complaint procedure set forth in [Section 703.5 Complaint Procedure](#). In the absence of a

complaint pursuant to the procedure that follows, NBME will assume that any relationship related to the workplace is entirely consensual and welcome. (See Employee Policy 108, Hiring of Relatives.)

Please note: If you ask an employee or nonemployee with whom you do business for a date and the person says, "No," you cannot retaliate against him or her in any way. If you retaliate in any way, you will be subject to severe disciplinary action.

703.2 Prohibition of Harassment on Account of a Factor Other Than Sex

Harassment based on any other protected status (for example, age, race, or religion) is prohibited and will not be tolerated.

By way of example, the following behaviors, communications, etc. are inappropriate, and as such, prohibited, regardless of whether they are illegal:

- Derogatory comments about an individual's membership in any protected group;
- Visual displays of cartoons, calendars, computer software, pictures, etc. that are degrading to or reflect negatively upon any protected group;
- Jokes, comments, or stories that have the purpose or effect of stereotyping, demeaning, or making fun of any protected group (for example, racial, homophobic, or religious jokes);
- Nicknames or stereotypic slurs to describe any protected group;
- Verbal and nonverbal innuendo that relate to or reflect negatively upon any protected group, (for example, mimicking a disabled employee's walk or an immigrant's accent);
- Hate symbols or other symbols which suggest the superiority and/or inferiority of any group;
- Hostile, abusive or demeaning behavior, including threats, directed at an employee because of his or her membership in a protected group; and
- Any other inappropriate behavior regarding any protected group.

703.3 Discrimination or Harassment Advanced by or Toward Nonemployees

The prohibitions against discrimination and harassment set forth in this Policy apply not only to employees of NBME but also to nonemployees (for example, customers, vendors, suppliers, and contractors) with whom our employees come into contact in connection with their employment with us. Consequently, if you believe that you have been discriminated against or harassed (sexually or otherwise) by a nonemployee in connection with your employment, you should use the procedure set forth in Section 703.5, Complaint Procedure.

The prohibitions against unlawful discrimination and harassment set forth in this Policy also apply to your conduct toward nonemployees with whom you do business.

703.4 General Guidelines Applicable to All Forms of Harassment

These rules apply to all forms of oral and written communications, including e-mail, voice mail, and Internet communications. (See Employee Policy 516, Computer and E-mail Usage and Employee Policy 517, Internet Usage.)

The prohibitions on inappropriate behavior set forth above apply not only in the workplace itself but also to all other work-related settings, such as meetings at customer/client work sites, as well as business trips and business-related social functions.

It is no defense for inappropriate behavior that there was no bad intent, that the objectionable conduct was only a joke, or that it was not directed at any person individually.

It is also important to keep in mind that these are only some examples of inappropriate behavior. If you have any question about whether behavior is inappropriate, don't do it.

703.5 Complaint Procedure

In some situations, a person may not realize that his or her behavior is unwelcome and/or offensive to you. Therefore, employees are encouraged to tell the offending party that his or her conduct is unwelcome and/or

offensive and request that the conduct stop. If this informal approach proves ineffective, or if it is one with which a person feels uncomfortable, for whatever reason, please contact one of the persons named below. No employee is compelled to confront directly the individual who has made him or her uncomfortable.

If you believe that you have been, or may have witnessed someone being, discriminated against, harassed by, or retaliated against by any employee or nonemployee with whom we do business, please speak with your supervisor, your supervisor's supervisor, a Human Resources staff member, or any Senior Management Team (SMT) member immediately. You are encouraged to bring the problem to the attention of the person with whom you feel most comfortable.

Any supervisor or SMT member contacted by an employee concerning possible discrimination, sexual or other harassment, or retaliation must promptly inform a Human Resources staff member.

The NBME will:

- Conduct a prompt and fair investigation;
- Disclose allegations only to the extent necessary to conduct the investigation/take corrective action;
- Take corrective action with respect to any employee or nonemployee who has engaged in discrimination, harassment or retaliation and/or inappropriate behavior inconsistent with this policy (even if not unlawful), including severe disciplinary action; and
- Neither engage in nor tolerate unlawful retaliation of any kind against an employee who makes a complaint, reports a complaint, serves as a witness, or otherwise participates in the investigatory process.

If you are not entirely satisfied with how your complaint has been handled, please notify the President or the Chairman of the Board in writing so that he or she can look into your concerns.

703.6 Sanctions for Violations

Any officer, manager, supervisor, employee, agent, or nonemployee who, after appropriate investigation, has been found to have engaged in inappropriate behavior as described in this Policy will be subject to severe discipline (See Employee Policy 701, Employee Conduct and Work Rules).



Printer Friendly Version of </resources/PolicyGuide/EmployeePolicy/880.asp>

880 Performance Planning/Assessment and Compensation Program

Issue Date: 6/1/1999

The Salary Administration and Performance Assessment Programs have been adopted with the objective of providing management with the necessary tools to successfully recruit highly qualified individuals into the organization and to retain and reward employees who are satisfactorily accomplishing the accountabilities of their positions. The Salary Administration Program along with the Performance Planning and Assessment Program aid in accomplishing this objective through annual performance and salary reviews. Through the fair and consistent application of this system, an equitable relationship is established and maintained among salaries paid to NBME staff members.

The uniform application of a compensation system throughout the National Board is a critical factor in establishing and maintaining an environment in which motivated employees are encouraged to achieve their objectives and perform their accountabilities in the most effective manner. Therefore, in order to attract, motivate, and retain competent personnel, the NBME provides compensation which is internally equitable and externally competitive. Elements of compensation include salary and benefits such as group insurance, time benefits, pension plan, and support for professional development.

The compensation policy, both salary and benefits, is formally reviewed and established each year through a review of national and regional economic data, organizational goals, financial/budgetary limitations, internal salary equity, and marketplace data.

Performance Planning/Performance Assessment Program

The National Board utilizes a merit compensation system based on the concept of rewarding performance. Therefore, a key management responsibility is the development of a performance plan with each staff member and the subsequent feedback on each employee's performance in relation to the plan.

To begin the process, the supervisor and employee meet to develop a performance plan including goals and objectives for the coming year. At the same time, the supervisor and employee will discuss and develop an employee development plan identifying needs for training, tuition reimbursement plans, attendance at seminars and association meetings, and plans for support of association memberships. An NBME professional development plan will be constructed from the information received.

Midway through the review period, the employee and supervisor meet to review progress and make any adjustments to the performance plan.

The Performance Assessment process is ongoing, with the supervisor and employee meeting when necessary to discuss achievement of goals and objectives. The annually completed Performance Assessment form requires the signature of the employee and supervisor, as well as the division/department President's Staff member.

Performance categories used are as follows:

Nonexempt Staff

Unsatisfactory

Denotes performance that clearly falls below minimum position requirements. (A decision must be made to place the employee on a Performance Improvement Program, or terminate the employee if he or she is already on a Performance Improvement Program.)

Satisfactory

Performance that meets the standards set for the position on a consistent basis throughout the

review period.

Very Good

Performance meets, and often exceeds, all requirements of the position on a consistent basis. Performance in this category means the employee is doing a very good job and is contributing to the overall effectiveness of the working unit.

Outstanding

Performance during the review period consistently exceeds all requirements of the position and is clearly recognized as such by others.

Exempt Staff**Below Standards**

Denotes performance that clearly falls below minimum position requirements. (A decision must be made to place the employee on a Performance Improvement program, or terminate the employee if he or she is already on a Performance Improvement Program.)

Meets Standards

Performance during the review period consistently meets and/or exceeds all requirements of the position. Since the quality of performance will span a range, the assessment narrative should describe the strengths and weaknesses of performance during the review period.

Compensation Program

The Compensation Program consists of the following elements:

1. Job Evaluation

Job evaluation is the systematic method of determining the worth of a position in relation to others in the organization. For every position, there is a position description that outlines the basic duties and accountabilities for which the position is responsible. Through the process of formal job evaluation, the duties and accountabilities of a position are analyzed. The primary factors considered in the job evaluation process are know-how (measure of the sum total of knowledge required for competent performance), problem solving (measure of the "self-starting" thinking, analyzing and evaluating), and overall accountability (measure of the answerability for action and for the consequence of action).

2. Salary Ranges/Salary Budget

Each year the NBME establishes a "Salary Policy" which is applied to individual position job evaluation points to set salary ranges to meet competitive market conditions. Salary ranges provide a means for salary differences in recognition of varying employee performance levels and experience in a position. The salary range for every position consists of a minimum, midpoint and maximum.

The annual salary budget includes changes in salary ranges consistent with maintaining a competitive compensation program and funds for merit increases. The annual NBME budget, as established by the president, is reviewed and approved by both the Finance Committee and Executive Board.

3. Salary Increase Guide and Merit Increases

A Salary Increase Guide is established to provide merit increases in an equitable fashion to reward performance, and to provide an equitable mechanism for management to determine merit increases. The amount of a salary increase is based on performance during the past review period and on the position of the salary within the salary range.

4. Placement of a New Employee Within the Salary Range

A candidate with more than the minimum qualifications is hired at a point in the salary range between the minimum and the midpoint commensurate with the individual's level of skill and experience. Careful consideration is given to the relationship of the proposed salary to the salaries of current employees with similar qualifications or in similar positions. A new employee may be hired at a salary above the midpoint of the salary range with approval of the president.

5. Promotions

A promotion is the movement of an incumbent to a vacant position which is at substantially higher points within the job evaluation system. Guidelines for the amount of promotional increases are established annually, such that the promotional increase will at least place the new salary at the minimum of the new salary range. A promotional increase will be given at the time the employee assumes the new job accountabilities (or four weeks after approval of the promotion, whichever occurs first). The amount of a promotional increase is determined independent of the date and/or the amount of the last merit increase.

6. Review of Position Description

All staff should maintain a copy of their current Position Description. The Position Description should be reviewed periodically, particularly during the performance planning process, to assure that it reflects current accountabilities and responsibilities. Should the supervisor and employee determine that the position accountabilities no longer accurately reflect the activities and responsibilities being performed, a request should be initiated with the Human Resources Department for a review of the description. A Human Resources representative will contact the supervisor and incumbent to conduct a job analysis and complete an evaluation of the newly defined accountabilities. This process (reevaluation of a current Position Description) may or may not result in a change in the evaluation points. Although requests for an implementation of reevaluations can occur at any time, changes in salary, if appropriate, will be implemented annually, at the time of the annual review period.

7. Lateral Transfers

A lateral transfer is defined as a move to a vacant position with the same job evaluation or very similar to the job evaluation of the employee's present position. In cases of lateral transfers, a salary increase is not given and future salary increases will be made as permitted under other sections of this policy.

The Performance Assessment and Compensation Programs will be administered equitably without regard to race, color, religion, gender, age, national origin, or disability.



EXHIBIT “42”

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
DANIEL D. YUN
Executive Director
HOMER C. FLOYD



COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION
301 Chestnut Street, Suite 300
P.O. Box 3145
Harrisburg, PA 17105-3145
(717) 787-4410 (Voice)
(717) 787-4087 (TTY)

COMMISSIONERS
DAVID A. ALEXANDER
M. JOEL BOLSTEIN
TIMOTHY CUEVAS
REV. DR. JAMES EARL GARMON, SR.
TONI M. GILHOOLEY
J. WHYATT MONDESIRE
KWEILIN NASSAR
DANIEL L. WOODALL, JR.

www.phrc.state.pa.us

September 18, 2007

Diane Rosetsky
931 Thush Lane
Bethayres PA 19006

RE: Diane Rosetsky v National Board of Medical Examiners
Case No. 200604605
EEOC No. 530200701175

Dear Diane Rosetsky:

This letter will notify you that the Pennsylvania Human Relations Commission (PHRC) has closed the above referenced case for the following reason(s):

- ☐ The facts you allege fail to state a claim under the PHRAct.
- ☐ Your complaint was not timely filed with the PHRC.
- ☐ You failed to provide requested information or otherwise failed to cooperate with the PHRC to the extent that the Commission has been unable to resolve your charge.
- ☐ The PHRC has made reasonable efforts to locate you and has been unable to do so. You had at least 30 days to respond to a notice sent to your last known address.
- ☐ The respondent has made a reasonable settlement offer which affords full relief for the harm you alleged. At least 30 days have expired since you received notice of this settlement offer.
- ☐ Based upon the Commission's (EEOC) investigation, the PHRC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☒ You filed a civil action in state or federal court.
- ☐ Your case was closed administratively.

Enclosed is a Notice of Complainant's Rights. The Pennsylvania Human Relations Act also affords the complainant and the respondent the opportunity for comments after the final disposition of the complaint. If you wish to make written comments regarding the complaint, please send them to Arberdella White-Davis, Director of Compliance, at the above address. Your comments will be provided to Commission members.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Homer C. Floyd".

Homer C. Floyd
Executive Director

HCF: kmp

Luk M3 & ADM - C

PENNSYLVANIA HUMAN RELATIONS COMMISSION

NOTICE OF COMPLAINANT'S RIGHTS

According to the Commission's Special Rules of Administrative Practice and Procedures, 16 PA Code Section 42.62, you have the right to file a request for a Preliminary Hearing. This request must be in writing and received within ten (10) days of the receipt of this closing notice. It is necessary to provide documentation and witness statements to support the grounds upon which you dispute the Commission's finding. The request should be addressed to:

Arberdella White-Davis, Director of Compliance
Pennsylvania Human Relations Commission
301 Chestnut Street Suite 300
PO Box 3145
Harrisburg, PA 17105-3145

In addition, you are hereby notified, as required by Section 12 (c) of the Pennsylvania Human Relations Act, 43 P.S. Section 962 (c), that you have the right, upon the dismissal of your case, to file a complaint in the courts of common pleas of the Commonwealth based on the right to freedom from discrimination granted by the Act. Section 962 (c)(1). If you wish to file a complaint in the court of common pleas, the complaint must be filed within two (2) years after the date of the notice from the commission closing the complaint. Section 962 (c)(2). You may also wish to consult a private attorney about this right and about any other rights you may have in this matter.

Should you file a complaint in the appropriate Court of Common Pleas, you are required by Section 12 (c) (2) of the Pennsylvania Human Relations Act to serve the Human Relations Commission with a copy of the Court complaint. This copy must be served on the Commission at the same time you file it in Court. The copy is to be sent to:

Michael Hardiman, Chief Counsel
Pennsylvania Human Relations Commission
301 Chestnut Street Suite 300
PO Box 3145
Harrisburg, PA 17105-3145

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
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Executive Director
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DANIEL L. WOODALL, JR.

www.phrc.state.pa.us

February 5, 2007

Diane Rosetsky
931 Thush Lane
Bethayres PA 19006

RE: Diane Rosetsky v National Board of Medical Examiners
Case No. 200604605 EEOC No. 530200701175

Dear Diane Rosetsky:

When a charge is filed with the **Equal Employment Opportunity Commission (EEOC)**, federal law requires EEOC to send a copy of the charge to PHRC. This happens because EEOC must afford state agencies, such as the **Pennsylvania Human Relations Commission (PHRC)** the opportunity to investigate the complaint for 60 days. PHRC has the discretion to waive the opportunity to investigate the charge. In accordance with the Work Sharing Agreement between EEOC and the PHRC, PHRC waived the opportunity to investigate the complaint back to EEOC. This means that EEOC will not have to wait 60 days to take action on the charge.

This is to notify you that the above referenced EEOC charge is now filed with PHRC. However, PHRC reserves the right to docket, serve and require an answer at some future date. Should PHRC elect to docket the EEOC charge as a PHRC complaint, PHRC will serve the complaint and an answer will be required.

Subsection 41.82 of PHRC's Rules of Administrative Practice requires employers to maintain certain records until the final disposition of the complaint.

Be advised that PHRC will take no further action on the filing at this time and no action is required on your part at this time.

After one year, if the case is still pending, the complainant will be notified of his/her right to file in the appropriate court of common pleas. If, at that time, the complainant does not confirm in writing that he/she wants PHRC to remain involved, then PHRC will take no further action on this filing.

IT IS YOUR RESPONSIBILITY to promptly notify PHRC of any change of address and phone number. If you are represented by an attorney, your attorney must file a written notice of appearance. If you change attorneys, or are no longer represented by an attorney, you must notify PHRC in writing of the change.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arberdella White-Davis".

Arberdella White-Davis
Director of Compliance

Chairperson
STEPHEN A. GLASSMAN
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
DANIEL D. YUN
Executive Director
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DANIEL L. WOODALL, JR.

www.phrc.state.pa.us

February 5, 2007

Rufus Jennings, Esquire
Kolman & Associates
225 North Flowers Mill Road
Langhorne PA 19047

RE: Diane Rosetsky v National Board of Medical Examiners
Case No. 200604605 EEOC No. 530200701175

Dear Rufus Jennings, Esquire:

When a charge is filed with the **Equal Employment Opportunity Commission (EEOC)**, federal law requires EEOC to send a copy of the charge to PHRC. This happens because EEOC must afford state agencies, such as the **Pennsylvania Human Relations Commission (PHRC)** the opportunity to investigate the complaint for 60 days. PHRC has the discretion to waive the opportunity to investigate the charge. In accordance with the Work Sharing Agreement between EEOC and the PHRC, PHRC waived the opportunity to investigate the complaint back to EEOC. This means that EEOC will not have to wait 60 days to take action on the charge.

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IT IS YOUR RESPONSIBILITY to promptly notify PHRC of any change of address and phone number. If you are represented by an attorney, your attorney must file a written notice of appearance. If you change attorneys, or are no longer represented by an attorney, you must notify PHRC in writing of the change.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arberdella White-Davis".

Arberdella White-Davis
Director of Compliance

200604605

EEOC Form 212-A (3/98)

U.S. Equal Employment Opportunity Commission	
TO Pennsylvania Human Relations Commission Suite 300 301 Chestnut St Harrisburg, PA 17101	Date January 17, 2007 EEOC Charge No. 530-2007-01175 FEPA Charge No.
CHARGE TRANSMITTAL SUBJECT <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> <u>Diane Rosetsky</u> <i>Charging Party</i> </div> <div style="text-align: center;"> <u>NATIONAL BOARD OF MEDICAL EXAMINERS</u> <i>Respondent</i> </div> </div>	
Transmitted herewith is a charge of employment discrimination initially received by the <div style="display: flex; align-items: center;"> <input checked="" type="checkbox"/> EEOC <input type="checkbox"/> _____ on Jan 17, 2007 <div style="margin-left: 100px;"><i>Name of FEPA</i></div> <div style="margin-left: 100px;"><i>Date of Receipt</i></div> </div>	
<input checked="" type="checkbox"/> Pursuant to the worksharing agreement, this charge is to be initially investigated by the EEOC <input type="checkbox"/> Pursuant to the worksharing agreement, this charge is to be initially investigated by the FEPA <input type="checkbox"/> The worksharing agreement does not determine which agency is to initially investigate the charge <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> EEOC requests a waiver <input type="checkbox"/> No waiver requested </div> <div style="text-align: center;"> <input type="checkbox"/> FEPA waives <input type="checkbox"/> FEPA will investigate the charge initially </div> </div>	
<i>Please complete the bottom portion of this form to acknowledge the receipt of the charge and, where appropriate, to indicate whether the Agency will initially investigate the charge.</i>	
Typed Name of EEOC or FEPA Official Marie M. Tomasso, District Director	Signature/Initials
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;"> <u>Diane Rosetsky</u> <i>Charging Party</i> </div> <div style="text-align: center;"> <u>NATIONAL BOARD OF MEDICAL EXAMINERS</u> <i>Respondent</i> </div> </div>	
TO WHOM IT MAY CONCERN <input type="checkbox"/> This will acknowledge receipt of the referenced charge and indicate this Agency's intention to initially investigate the charge <input type="checkbox"/> This will acknowledge receipt of the referenced charge and indicate this Agency's intention not to initially investigate the charge <input type="checkbox"/> This will acknowledge receipt of the referenced charge and request a waiver of initial investigation by the receiving agency <input type="checkbox"/> This will acknowledge receipt of the referenced charge and indicated this Agency's intention to dismiss/close/not docket the charge for the following reasons	
Typed Name of EEOC or FEPA Official Homer Floyd, Executive Director	Signature/Initials
TO Philadelphia District Office 21 South 5th Street Suite 400 Philadelphia, PA 19106	Date January 17, 2007 EEOC Charge No. 530-2007-01175 FEPA Charge No.

(Pev 11 00)

INFORMATION FOR COMPLAINANTS & ELECTION OPTION
TO DUAL FILE WITH THE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

Diane Roschky vs National Board of Medical Examiners

EEOC No. 530-2007-01175

You have the right to file this charge of discrimination with the Pennsylvania Human Relations Commission (PHRC) under the Pennsylvania Human Relations Act. Filing your charge with PHRC protects your state rights, especially since there may be circumstances in which state and federal laws and procedures vary in a manner which could affect the outcome of your case.

Complaints filed with PHRC must be filed within 180 days of the act(s) which you believe are unlawful discrimination. If PHRC determines that your PHRC complaint is untimely, it will be dismissed.

If you want your charge filed with PHRC, including this form as part of your EEOC charge, with your signature under the verification below, will constitute filing with PHRC. You have chosen EEOC to investigate your complaint, so PHRC will not investigate it and, in most cases, will accept EEOC's finding. If you disagree with PHRC's adoption of EEOC's finding, you will have the chance to file a request for preliminary hearing with PHRC.

Since you have chosen to file your charge first with EEOC, making it the primary investigatory agency, the Respondent will not be required to file an answer with PHRC, and no other action with PHRC is required by either party, unless/until otherwise notified by PHRC.

If your case is still pending with PHRC after one year from filing with PHRC, you have the right to file your complaint in state court. PHRC will inform you of these rights and obligations at that time.

[Sign and date appropriate request below]

I want my charge filed with PHRC. I hereby incorporate this form and the verification below into the attached EEOC complaint form and file it as my PHRC complaint. I request EEOC to transmit it to PHRC.

I understand that false statements in this complaint are made subject to the penalties of 18 Pa. C. S. §4904, relating to unsworn falsification to authorities.

Diane Roschky 11/1/07
Signature and Date

I do not want my charge dual filed with PHRC.

Signature and Date

CHARGE OF DISCRIMINATION		AGENCY	CHARGE NUMBER
This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	530-2007-01175
<u>Pennsylvania Human Relations Commission</u> and EEOC <i>State or local Agency, if any</i>			
NAME (Indicate Mr., Ms., Mrs.) Diane Rosetsky		HOME TELEPHONE (Include Area Code) 215-947-6571	
STREET ADDRESS 931 Thrush Lane		CITY, STATE AND ZIP CODE Huntingdon Valley, PA 19006	DATE OF BIRTH 11/20/1957
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)			
NAME National Board of Medical Examiners	NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE (Include Area Code) 215-590-9500	
STREET ADDRESS 3750 Market Street	CITY, STATE AND ZIP CODE Philadelphia, PA 19104	COUNTY Philadelphia	
NAME		TELEPHONE NUMBER (Include Area Code)	
STREET ADDRESS		CITY, STATE AND ZIP CODE	COUNTY
CAUSE OF DISCRIMINATION BASED ON (Check appropriate box (es))		DATE DISCRIMINATION TOOK PLACE	
RACE COLOR SEX RELIGION NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input checked="" type="checkbox"/> AGE DISABILITY OTHER (Specify)		Earliest Latest 9/27/2005 11/27/2006 CONTINUING ACTION	
THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):			
Please see attached.			
<input checked="" type="checkbox"/> I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - (When necessary for State and local Re	
I declare under penalty of perjury that the foregoing is true and correct.		I swear or affirm that I have read the above it is true to the best of my knowledge, infor	
Date <u>Nov 29 2006</u> Charging Party		SIGNATURE OF COMPLAINANT <i>Diane Rosetsky</i>	
		SUBSCRIBED AND SWORN TO BEFORE (Day, month and year)	

 PHILADELPHIA
 06 DEC -1 PM 4:57

EEOC Form 161 (10/96)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Diane Rosetsky
931 Thrush Lane
Huntingdon Valley, PA 19006

From: Equal Employment Opportunity Commission
Philadelphia District Office
The Bourse
21 S. Fifth Street, Suite 400
Philadelphia, PA 19106-2515

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
530-2007-01175	Legal Unit	(215) 440-2828

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- ☐ The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- ☐ Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- ☐ The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- ☐ We cannot investigate your charge because it was not filed within the time limit required by law.
- ☐ Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- ☐ While reasonable efforts were made to locate you, we were not able to do so.
- ☐ You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.
- ☒ The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- ☐ The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- ☐ Other (briefly state) _____

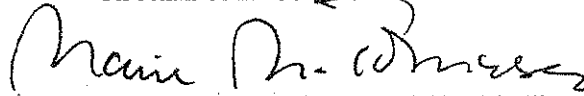
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed WITHIN 90 DAYS from your receipt of this Notice; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

On behalf of the Commission

 May 7, 2007
Marie M. Tomasso, District Director (Date Mailed)

Enclosure(s)

cc: National Board of Medical Examiners
Suzanne Williams, Associate Counsel (For Respondent)

NBME 000112

TIMOTHY M. KOLMAN ESQ.
AND ASSOCIATES
LAW OFFICES

225 N. FLOWERS MILL ROAD
THE SHOPPES AT FLOWERS MILL
LANGHORNE, PA 19047

(215) 750-3134
FACSIMILE (215) 750-3138

June 14, 2007

Equal Employment Opportunity Commission
The Bourse Building
21 South 5th Street, Suite 400
Philadelphia, PA 19106-2515

Re: Diane Rosetsky v. National Board of Medical Examiners
530-2007-01175

Dear Sir or Madam:

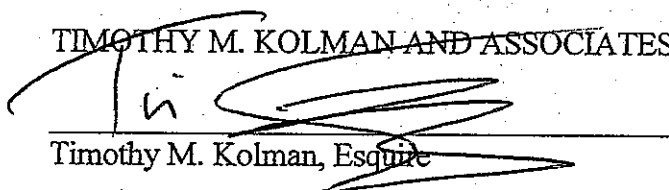
Since the 180 day waiting period has expired, kindly issue a Right to Sue immediately in connection with the above-referenced matter.

Thank you.

Very truly yours,

TIMOTHY M. KOLMAN AND ASSOCIATES

By:


Timothy M. Kolman, Esquire

TMK/jln